

### **REMARKS**

In the above amendments, Applicant corrects the typographical errors in claims 3, 4, 31, and 32, as kindly noted by the examiner in the outstanding Office Action. Applicant identified and further corrected additional typographical errors in the claims. Specifically, the phrase “determining whether the subscriber type...” as used in claims 13, 27, and 40, is corrected to read “determining the subscriber type....” Also, the preamble of claim 41 incorrectly included a period, which is now deleted.

Turning to the substantive rejections, the examiner rejects claims 1-3, 15, 16, 30, 31, and 42 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,597,705 to Rezaiifar. Applicant amended the rejected claims to clarify the claimed invention as involving the simulation of a wireless communication network. Rezaiifar does not teach or suggest the simulation of a wireless communication network and Applicant respectfully requests the withdrawal of all anticipation rejections based on Rezaiifar.

As further points rebutting the use of Rezaiifar by the examiner, Applicant offers the following observations regarding the examiner’s comments on claims 1, 16, and 30. Regarding the claimed actions of defining simulated base stations and subscriber units, the examiner argues that Fig. 1 of Rezaiifar teaches *defining* a set of base stations and *defining* a set of subscriber units. Fig. 1 of Rezaiifar illustrates two base stations 106A and 106B and two subscriber units, a mobile unit 102 and a fixed unit 108, that are meant as depictions of physical items in Rezaiifar’s network. Illustrating exemplary base stations and subscriber units in a network diagram is not by any stretch of logic *defining* simulated base stations and simulated subscriber units in a wireless network simulation environment.

Further, regarding the claimed action of assigning subscriber types to the simulated subscriber units, Rezaiifar does not teach *assigning* subscriber types. More particularly, it is plain error for the examiner to state that type assignment is inherent in Rezaiifar “wherein the

different services are assigned to the subscriber units before the subscriber units are deployed.” Services are not “assigned” to subscriber units before they are deployed in Rezaiifar, as the examiner argues. Simply put, a given subscriber unit may be capable of a wide range of services, including voice and data services based on circuit-switched connections and a variety of packet data services based on packet-switched connections. However, the actual subscriber type of a given subscriber unit depends on the type of call made, and subscriber types can change from one call to the next. Rezaiifar’s network makes no “assignment” but rather simply accommodates the needs of its subscribers on a call-to-call basis.

Additional rebuttal points can be made for the various other claims rejected as anticipated by Rezaiifar. However, because none of the independent claims at issue are anticipated by Rezaiifar, it is not necessary to argue individual ones of the dependent claims rejected as anticipated by Rezaiifar.

Turning from the anticipation rejections to the obviousness rejections, the examiner rejects claims 11, 25, and 29 as being obvious under 35 U.S.C. 103(a) in view of Rezaiifar. Claim 11 depends from claim 1, which is patentably distinct over Rezaiifar. Thus, the obviousness rejection of claim 11 falls with the anticipation rejection of claim 1. Independent claim 25 relates to determining whether simulated subscriber units can establish a forward link channel with a selected simulated base station at a desired data rate and, if not, whether such a connection can be established at a reduced rate.

In arguing that claim 25 is obvious, the examiner commits plain legal error. Essentially, the examiner’s obviousness argument is that it would be obvious to substitute Applicant’s claimed method of forward link power control in place of Rezaiifar’s explicitly described forward link power control scheme. The only evidence offered by the examiner is the conclusory statement in the Office Action that one skilled in the art would be motivated to make the argued-

for modification of Rezaiifar to increase system capacity. Such conclusory statements never carry the burden imposed on examiners of establishing a prima facie case of obviousness.

The illogic of the proffered motivation is self evident. Simply put, Rezaiifar teaches a specific method of controlling its forward radio links with individual subscriber units based on receiving power control feedback from them—i.e., for a given forward link data rate to a given subscriber unit, the forward link power is adjusted up and down responsive to power control feedback from the subscriber unit. (See cols. 5 and 6 of Rezaiifar.) This operation has nothing to do with the claimed method, which includes the action of determining whether a simulated subscriber unit can establish a forward link with a selected simulated base station at a desired data rate.

The examiner explicitly acknowledges that Rezaiifar's forward link power control is unlike the method of claim 25, but states that Rezaiifar teaches a reverse link rate control scheme that is the same or similar to the limitations of claim 25. That statement is inaccurate. Rezaaiifar is focused on controlling reverse link interference through reverse link rate control through a relatively complex method whereby individual base stations assign reverse link rates based on performing an interference analysis. (See the Summary of Rezaiifar and see cols. 7-10 for a detailed walk-through of Rezaiifar's proposed interference reduction method.)


Rezaiifar's complex method of reverse link rate control has nothing to do with Rezaiifar's disclosed forward link power control, which simply states that individual forward radio links are power controlled to insure adequate received signal strengths at the individual subscriber units. Nor does Rezaiifar's disclosed reverse link rate control have anything to do with the simulation steps in claim 25. With these points in mind, the examiner's proffered motivation to modify Rezaiifar is without merit or logical consistency, and the rejection of claim 25 (and claim 29, which depends from 25) as being obvious over Rezaiifar fails as a matter of law.

With the above arguments in mind, Applicant believes that all rejected claims stand in condition for allowance. With that, and with the examiner's indication of allowability of the remaining claims, Applicant believes that the instant application stands in condition for allowance, and respectfully requests reconsideration as such.

Respectfully submitted,

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